

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44455 of 2025

Arising Out of PS. Case No.-410 Year-2023 Thana- BABUBARHI District- Madhubani

1. Shila Devi W/O Moti Mukhiya @ Moti Lal Mukhiya Resident of Village- Basha, P.S.- Babubarhi, District- Madhubani.
2. Moti Mukhiya @ Moti Lal Mukhiya S/O Late Dhanik Lal Mukhiya @ Late Dhanik Lal Singh Resident of Village- Basha, P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Babubarhi P.S. Case No. 410/2023, G.R. No. 2436 of 2023 dated 19.12.2023 registered for the offences punishable u/s 302 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have come to the door of the informant and started abusing and pelting stones and bricks and the petitioners, with intention to kill, assaulted the informant's husband due to which he died.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this



case. There is general and omnibus allegation against the petitioners. Similarly situated co-accused has already been granted bail by the co-ordinate bench of this court *vide* order dated 09.07.2025 passed in Cr. Misc. No. 39536 of 2025. The petitioner no. 1 is a lady. As per the postmortem report, no any external injuries were found on the body of the deceased. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 17.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that there is specific allegation against the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Babubarhi P.S. Case No. 410/2023, G.R. No. 2436 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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